

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 FEA-01 TRSE-00 ERDA-05 AID-05

CEA-01 CIAE-00 CIEP-01 COME-00 DODE-00 FPC-01 H-02

INR-07 INT-05 L-03 NSAE-00 NSC-05 OMB-01 PM-03

USIA-06 SAM-01 OES-03 SP-02 SS-15 STR-04 FRB-03 OIC-02

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APPROVED BY: EB/ORF/FSE: SWBOSWORTH
FEA: CMALIN (DRAFT)
TREASURY: CSHOTTA (DRAFT)

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P 181633Z JUL 75
FM SECSTATE WASHDC
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E.O. 11652: GDS
TAGS: ENRG
SUBJECT: WORKING PAPER ON PROPOSED REGIME FOR CONSIDERATION
OF POSSIBLE EXCEPTIONS FROM MSP

PLEASE PASS THE FOLLOWING WORKING PAPER TO PETER KELLY
OF THE IEA SECRETARIAT:

1. IF THE GOVERNING BOARD DECIDES THAT THERE SHOULD BE
EXCEPTIONS TO THE MSP, DISTINCTION SHOULD BE MADE BETWEEN
(1) "NECESSARY" EXCEPTIONS, I.E., LEGAL AND BINDING
TREATY COMMITMENTS SUCH AS THOSE GOVERNING OIL PRODUCED
AND TRADED AMONG AND BETWEEN PARTICIPATING COUNTRIES
WHO ARE MEMBERS OF THE SAME CUSTOMS UNIONS AND FREE
TRADE AREAS; AND (2) "POSSIBLE" EXCEPTIONS WHICH REFLECT
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INDIVIDUAL COUNTRY'S INTERESTS. THIS WORKING PAPER
ADDRESSES THE LATTER TYPE OF EXCEPTIONS.

2. RECOGNIZING THE INTEREST OF SOME PARTICIPATING

COUNTRIES IN UNDERTAKING INVESTMENTS IN OIL PRODUCTION OUTSIDE THE IEA AREA AND THAT THE IEA MAY WISH TO TAKE ACCOUNT OF THESE INTERESTS IN ESTABLISHING AN MSP SYSTEM, THE SLT MIGHT CONSIDER POSSIBLE PROCESSES FOR GRANTING LIMITED EXCEPTIONS TO THE MSP. ANY PROCESS ADOPTED COULD INCORPORATE CERTAIN CRITERIA AND BE SUBJECT TO CONTROL IN ORDER TO MAINTAIN THE INTEGRITY OF THE SYSTEM.

3. THE SECRETARIAT SUGGESTS, AS A WORKING HYPOTHESIS, THAT THE GOVERNING BOARD REVIEW ALL CLAIMS FOR EXCEPTIONS FROM THE MSP ON A CASE-BY-CASE BASIS WITH FINAL APPROVAL REQUIRING A BLANK VOTE.

4. IN GRANTING EXCEPTIONS, THE GOVERNING BOARD WOULD REVIEW EACH APPLICATION AGAINST CERTAIN CRITERIA AMONG WHICH MIGHT BE INCLUDED THE FOLLOWING:

(A) THE IMPORTING COUNTRY IS REQUIRED TO EXHUIST ALL POSSIBILITIES OF IMPORTING OIL FROM IEA COUNTRIES BEFORE CLAIMING EXCEPTIONS FOR NON-IEA OIL.

(B) ONLY OIL PRODUCED WHICH IS DIRECTLY ATTRIBUTABLE TO NEW INVESTMENT (AFTER THE ADOPTION OF THE LONG-TERM PROGRAM) MADE BY AN IEA COUNTRY IN A NON-IEA COUNTRY WOULD BE ELIGIBLE FOR EXCEPTION FORM THE MSP.

(C) EXCEPTIONS ARE LIMITED TO OIL COMING FROM COUNTRIES BEHAVING IN A NON-CARTEL LIKE FASHION, I.E., WHICH ARE NOT RESTRICTING PRODUCTION FOR THE PURPOSES OF MAINTAINING PRICE.

(D) NO MORE THAN BLANK PERCENT OF TOTAL OIL IMPORTS OF THE IMPORTING COUNTRY CAN BE EXEMPTED.

5. PLEASE FEEL FREE TO MODIFY OR CHANGE THE ABOVE LANGUAGE AS DEEMED APPROPRIATE BY THE SECRETARIAT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSUMPTION, ORGANIZATION & MANAGEMENT, PAPERS, PETROLEUM, SUPPLIES
Control Number: n/a
Copy: SINGLE
Draft Date: 18 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE169556
Document Source: ADS
Document Unique ID: 00
Drafter: EB/ORF/FSE: DAN HICKEY:JM
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D750249-0148
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t197507106/baaaapqi.tel
Line Count: 100
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 16 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 MAY 2003 by ShawDG>; APPROVED <03 OCT 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 971015
Subject: n/a
TAGS: ENRG, IEA
To: OECD PARIS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006